

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 578 of 2016****With****CRIMINAL MISC.APPLICATION NO. 17984 of 2016****In****CRIMINAL REVISION APPLICATION NO. 578 of 2016**

=====

UDAYRAJ SHRI RAM MAURYA....Applicant(s)

Versus

RAMNARAYAN RAMLOT MAURYA & 1....Respondent(s)

=====

Appearance:

MR SA BAQUI, ADVOCATE for the Applicant(s) No. 1

MR MANAN MEHTA, ADDL. PUBLIC PROSECUTOR for the Respondent(s)

No. 2

=====

CORAM: **HONOURABLE MR.JUSTICE S.G.SHAH**

Date : 27/07/2016

ORAL ORDER**ORDER IN CRIMINAL REVISION APPLICATION**

Rule returnable on **13.09.2016**. Learned APP waives service of notice of rule on behalf of respondent – State.

ORDER IN CRIMINAL MISC. APPLICATION

1. Rule. Learned APP waives service of notice of Rule on behalf of the respondent- State.

2. By way of the present application u/s.397 read with Section 401 of the Code of Criminal Procedure, 1973, the applicant herein – original accused has prayed to suspend the sentence imposed by judgment and order dated 26.03.2015 passed by the learned 3rd Additional Chief Judicial Magistrate, Gandhinagar in Criminal Case No.6301 of 2005 as well as the judgment and order dated 12.07.2016 passed by the learned Sessions Judge, Gandhinagar in Criminal Appeal No.38 of 2015, by which, the applicant has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced to undergo three months simple imprisonment with order to pay compensation of Rs.50,000/- to the complainant.

3. Heard Learned advocate Mr. S. A. Baqui for the petitioner and learned APP Mr. Manan Mehta for the respondent – State.

4. Considering the overall facts and circumstances of the case and sentence imposed by the both Courts below, the present application requires consideration and the same is allowed. The sentence imposed by judgment and order dated 26.03.2015 passed by the learned 3rd Additional Chief Judicial Magistrate, Gandhinagar in Criminal Case No.6301 of 2005 as well as the judgment and order dated 12.07.2016 passed by the learned Sessions Judge, Gandhinagar in Criminal Appeal No.38 of 2015 are hereby suspended pending hearing and final disposal of the main Revision Application. The applicant shall be released on regular bail on executing fresh bond of Rs.25,000/- (Rupees Twenty Five Thousand only) and one surety of like amount to the satisfaction of the Trial

Court and on condition that he shall;

- (a) deposit 50% of the cheque amount before the trial Court within two weeks;
- (b) surrender passport, if any, to the lower court within a week;
- (c) not leave the State of Gujarat without prior permission of the Trial Court;
- (d) furnish the present address of residence to the I.O. and also to the Court at the time of execution of the bond and shall not change the residence without prior permission of this Court;

6. Application is disposed of. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(S.G.SHAH, J.)

drashti